

BGWW#: 122369

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**  
Richmond Division

IN RE:

Case No. 10-38522-KRH

MADRICE HAMN AKA MADRICE D. HAMN, 1ST  
Debtor

Chapter 13

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U.S. BANK NATIONAL ASSOCIATION  
Movant

vs.

MADRICE HAMN AKA MADRICE D. HAMN, 1ST  
Debtor/Respondent

and

IRIS HAMN  
Co-Debtor/Co-Respondent

and

ROBERT E. HYMAN  
Trustee/Respondent

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**MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR STAY**

COMES NOW, U.S. Bank National Association, as Trustee, successor in interest to Bank of America, National Association as successor by merger to LaSalle Bank National Association, as Trustee for Certificateholders of Bear Stearns Asset Backed Securities I LLC, Asset-Backed Certificates, Series 2007-HE7 (the "Movant"), by and through counsel, Stephen B. Wood and Bierman, Geesing, Ward & Wood, LLC and respectfully represents as follows:

1. Jurisdiction is based on 11 U.S.C. § 362(d)-(f).
2. Movant is a mortgage lender/servicer.
3. On or about December 13, 2010 Madrice Hamn aka Madrice D. Hamn, 1st (the "Debtor") filed a Voluntary Petition in this Court under Chapter 13 of the United States Bankruptcy Code.
4. Iris Hamn is Co-Debtor in this action.
5. Robert E. Hyman is the Trustee of the Debtor's estate.
6. At the time of the initiation of these proceedings the Debtor owned a parcel of real estate located in Caroline County, Virginia, and improved by a residence known as 424 Pocahontas Drive, Ruther Glen, VA 22546 (the "Property"). The Property is more particularly described as lying and being and situate in Madison Magisterial District, Caroline County, Virginia, and designated as Lot 1516.

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Attorney for the Movant

7. The Property is encumbered by a Deed of Trust securing the Movant and recorded among the land records of the jurisdiction in which all or part of the Property lies (the "Deed of Trust").

8. The Deed of Trust secures payment of a promissory note in the original principal amount of \$130,000.00 now payable to Movant (the "Note"). (Copies of the Note and Deed of Trust are attached hereto and filed as Exhibits "1" and "2" respectively.)

9. The amount due to Movant under the terms of the Note as of June 29, 2011 is approximately \$159,653.71 plus per diem interest and other advances made by the Movant, (i.e., taxes, insurance) and attorney's fees and court costs related to this motion.

10. The Debtor is in default under the terms of the Note and Deed of Trust. The Movant has accelerated the entire balance of the Note and Deed of Trust and interest continues to accrue on a daily basis. (An Arrearage Worksheet is attached hereto and filed as Exhibit "3").

11. The Debtor is due and owing for the February 01, 2011 post-petition payment and all payments thereafter. Debtor has failed to make 6 post petition payments in the total amount of \$6,574.44. The Property is not necessary for an effective reorganization by the Debtor.

12. The Movant lacks adequate protection of its interest in the Debtor's Property. The Movant has been and continues to be irreparably injured by the stay of § 362 and § 1301(c)(2) of the Bankruptcy Code which prevents Movant from enforcing its rights under the Note and Deed of Trust. Cause exists for lifting the automatic stay imposed by § 362 and § 1301(c)(2) of the Bankruptcy Code to enable the Movant to enforce its rights under the terms of the Note and Deed of Trust.

WHEREFORE, the Movant prays that this Court:

1. Enter an order lifting the automatic stay imposed by § 362 and § 1301(c)(2) of the Bankruptcy Code to enable Movant to proceed with the foreclosure sale of the Property and to exercise all of the rights and remedies available to Movant pursuant to applicable state law and the terms of the Deed of Trust and Note; and

2. Grant such other and further relief as necessary.

**NOTICE TO ALL PARTIES SERVED:**

YOU SHALL HAVE FOURTEEN (14) DAYS FROM THE DATE OF SERVICE OF THIS MOTION IN WHICH TO FILE WITH THE COURT A WRITTEN RESPONSE, WITH A COPY TO THE MOVANT.

**NOTICE TO CO-DEBTOR:**

YOU SHALL HAVE TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE OF THIS MOTION IN WHICH TO FILE WITH THE COURT A WRITTEN RESPONSE, WITH A COPY TO THE MOVANT.

Dated: July 14, 2011

Respectfully Submitted,  
**Bierman, Geesing, Ward & Wood, LLC**

/s/ Stephen B. Wood  
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**CERTIFICATE OF SERVICE**

I certify that on this 14th day of July, 2011, the following person(s) were served electronically via the CM/ECF system or were mailed a copy of the foregoing Motion for Relief from Automatic Stay and Co-Debtor Stay by first class postage prepaid:

Robert E. Hyman, Trustee  
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/s/ Stephen B. Wood  
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